

APPEAL NO. 031556
FILED JULY 31, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 19, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury does not extend to include vision (floaters), thoracic spine, low back, anxiety, and depression; that the claimant has had disability from September 21, 2002, through the date of the hearing; and that the claimant is entitled to change treating doctors to Dr. C pursuant to Section 408.022. The appellant (carrier) appealed the hearing officer's determinations regarding disability and change of treating doctors on sufficiency of the evidence grounds. The file does not contain a response from the claimant. The hearing officer's extent-of-injury determination is unappealed and has become final. Section 410.169.

DECISION

Affirmed.

We have reviewed the complained-of disability determination and find that the hearing officer's Decision and Order is supported by sufficient evidence to be affirmed. Whether or not the claimant had disability presented a question of fact for the hearing officer. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a); Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence presented on the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). Nothing in our review of the record reveals that the hearing officer's determination regarding disability is so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Regarding the change of treating doctor issue, we review that matter on an abuse-of-discretion standard. There is an abuse of discretion when a decision maker reaches a decision without reference to guiding rules or principles (Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986)). The hearing officer made a factual determination that the claimant requested a change of treating doctor based on her need to receive appropriate medical care to reach maximum medical improvement. Based upon our review of the record, we cannot say that the hearing officer abused her discretion.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge